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January 28, 1999

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OUR FILE NO.
0274-101-63

BY HAND

Magalie R. Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

JAN 28 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

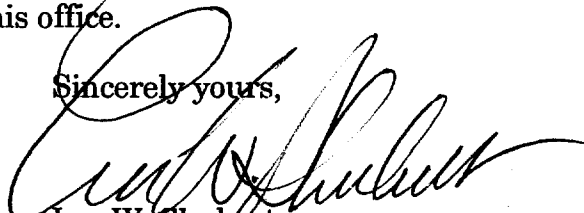
Re: Comments of PENSACOLA CHRISTIAN COLLEGE in the
matter of the Proceeding concerning *Reexamination of the
Comparative Standards for Noncommercial Educational
Applicants* (MM Docket No. 95-31)

Dear Ms. Salas:

Transmitted herewith, on behalf of PENSACOLA CHRISTIAN COLLEGE, is
an original and four copies of its "*Comments on the Commission's Proposed
Rule Making*" respecting the above-referenced rule making proceeding.

Should further information be desired in connection with this matter,
kindly communicate directly with this office.

Sincerely yours,



Lee W. Shubert

Enclosures (5)

cc(w/1 enc.): Mr. Greg Moses
cc(w/o enc.): Mr. Todd LeFort

LWS/blr

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FEDERAL COMMUNICATIONS COMMISSION
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MM Docket No.95-31

Mr. Greg Moses
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EXECUTIVE SUMMARY

Because the present application filing process requires a considerable investment of time and resources, the process serves as an obstacle to the Commission's applicant pool. Pensacola Christian College ("PCC") proposes opening the application process by instituting a "short-form" application, to be filed during a "filing window" to eliminate the existing obstacles. PCC also urges the Commission to adopt a lottery-based selection system for mutually exclusive non-commercial educational ("NCE") applications. The lottery should impose no point or preference allocation because the simplified application process should serve to stimulate ownership diversity and minority applicants.

PCC submits the Commission should implement, in the NCE arena, an application filing system patterned after the LPTV service using the following criteria or procedures: (1) a monthly, 5-day-filing window for all NCE applicants during which each applicant may file up to five short-form applications; (2) an electronically filed short-form application that solicits the basic applicant information;¹ (3) automatic return of any application exceeding the 5-application limit; (4) a post-window public notice of the applications filed during the window; (5) a 30-day long-form filing obligation for unopposed applicants with full FCC processing thereafter; and (6) lottery selection for mutually exclusive NCE applicants.

¹ The fundamental information would include (1) applicant identification, (2) output channel/frequency, (3) proposed city/state of service, (4) transmitter site coordinates, (5) effective radiated power, (6) height of transmitting antenna, (7) optional brief engineering comments relating to the specific application and (8) a qualifications certification.

Should a full-power NCE application be mutually exclusive with or displace an existing secondary service application, construction permit or license, then the existing service should be afforded an opportunity to file to compete with the conflicting proposal. FM translator applicants proposing other than "fill-in" service that conflicts with another "fill-in" translator application that is filed in the same window should be dismissed, but will be assigned a nontransferable "Application Replacement Reference Number" to be implemented during the subsequent 60 days. Conflicting fill-in vs. fill-in applications filed during the same filing window should be processed by the mutually exclusive selection procedure.

Mutually exclusive applications received during the same window should be subjected to a non-preferential lottery system, unless an agreement can be reached between the applicants to cure the conflict. All applicants should have equal standing with no preferences or points to create "weighting." Weighting systems are unnecessary if the filing process is simple, accessible, inexpensive and understood by a broad base of applicants. Simplicity should spawn more applicants, likely representing a broader demographic composition. A "pure" lottery is easily administered and definitive. Therefore, the proposed lottery system will be a significant benefit to the Commission and to applicants, thereby addressing the predicted increased numbers of applications and also reducing the Commission's current backlog of exclusive NCE applications.

I. INTRODUCTION

Pensacola Christian College ("PCC"), in response to the Commission's solicitation for comments and in effort to realize the Commission's goals in reexamining the comparative standards for noncommercial educational ("NCE") applicants, hereby submits the following proposal for a revised NCE application filing system and selection procedure for mutually exclusive applications. This proposal will simplify the filing procedure for both the Commission and the applicant. It will expedite the efficient and immediate use of the spectrum and service to the public. This proposal considers the issues of ownership diversification and minority participation and incorporates a method of selection that satisfies both the goals of the Commission and the mandates of the Communications Act regarding these two considerations without the use of preferential selection criteria. Finally, this proposal will lighten the administrative burden of competing NCE small business entities by simplifying the method of selection among mutually exclusive applicants and reducing the expense of this process, again, without the use of preferential selection criteria.

II. A NEW APPLICATION FILING SYSTEM

A very simple, low cost and easily accessed application filing system will encourage broader applicant participation. The present application filing process requires a considerable investment of time and resources that serves as a significant obstacle to an applicant pool that, if stimulated to participate, would result in furthering the objectives of minority participation and diversity of ownership. If the application process is "opened" by instituting a "short-form" application to be submitted during a regular "filing window", a broad representation of the population is thereby given an opportunity to participate. Broad based participation is also the cornerstone of a lottery based selection system for mutually exclusive applications that imposes NO point or preference

allocation (because the pool already represents potential ownership diversity and minority interests).

- **Filing Window Process**

In paragraph 18 of the Further Notice, the Commission refers to the filing procedure for LPTV service whereby each applicant is limited to filing five applications within a particular filing window. PCC proposes that the Commission implement a filing system patterned after the LPTV service in the NCE arena using the following criteria as part of the system.

1. A five-day filing window opened each month is provided for all applicants.²
2. Each applicant is allowed to file up to five short-form applications per monthly window.
3. The short-form will be filed electronically and will consist of the following information: applicant information, output channel/frequency, proposed city/state of service, transmitter site coordinates, effective radiated power, height of transmitting antenna, optional brief engineering comments relating to the specific application and certification of applicants qualifications for filing. (See attached example of short form application.)
4. Any application that exceeds the five-application limit is automatically returned. The Commission may select which applications, over the limit of five, should be returned.
5. Public notice of applications filed during the filing window will be posted after the close of the filing window.

² The term "applicant" includes the entire scope of a corporate body, including all subsidiaries, and affiliates. This would work to prevent a single entity from filing more than five applications under different aliases.

6. If an application is unopposed, the applicant is then given FCC notification to file a long-form application within 30 days from the date of the notification.³ Once long-forms applications are received, they will follow normal FCC processing.

7. Once the applicant has been notified to file its long-form application, all applications that are filed after the applicant's FCC notification date that are mutually exclusive with its first-filed short-form application will be dismissed. However, if an NCE application for a full-power station will be mutually exclusive with or displace an existing secondary service application, construction permit or license, the existing service is allowed to file an application to compete with the proposal that threatens the existing service. In such cases the Commission notifies the secondary service applicant, permittee or licensee and issues a nontransferable "Displacement Application Reference Number" that will permit filing of a competing short-form application within 30 days of notification by the Commission.

8. Applications that propose a technical conflict with existing same class service (i.e. translator to translator, or NCE-FM to NCE-FM) and applications that propose a technical conflict with existing TV6 or existing commercial FM service will be returned unless engineering comments in the short-form suggest that long-form exhibits will demonstrate resolution of the apparent conflict.

9. Amendments and modifications may be filed at any time and will not be counted with short-form filings. They too will follow standard FCC processing. Such amendments and modifications are processed with applications received during the next filing window following receipt of the amendments or modifications. If the changes proposed conflict

³ Long-form application = standard FCC Form 340 or 349, including all pertinent exhibits.

with previously filed applications or existing service they will be returned (subject to paragraph II, 7, 8 & 11). If the changes proposed conflict with applications in the filing window in which they are processed, the amendment or modification proposed will be processed in the same manner as other mutually exclusive applications.

10. Translator applications that propose other than “fill-in” service and which propose a technical conflict with a “fill-in” translator application filed in the same window will be dismissed, but will also be assigned a nontransferable “Application Replacement Reference Number” to be implemented during the subsequent 60 days. Fill-in vs. fill-in applications with technical conflicts and which are filed in the same filing window will follow the mutually exclusive resolution selection procedure in Section III below.

11. Some applications could be accepted for filing outside of a designated filing window. Authorized applications received at times other than during a regular filing window are processed with applications received during the next filing window. Examples of these are:

- a. Minor Change applications.
- b. Applications with a FCC assigned, nontransferable, filing authorization number (such as a “Displacement Application Reference Number”, or a “Lottery Replacement Application Reference Number”, or an “Application Replacement Reference Number” (explained above)). Such a system is suggested to minimize the negative impact of applications returned to legitimate applicants who have been limited to five applications during any filing window.

III. SELECTION PROCEDURE FOR MUTUALLY EXCLUSIVE APPLICATIONS

Mutually exclusive applications processed during the same window will be resolved with a non-preferential lottery system unless an agreement can be reached between the mutually exclusive applicants to cure the mutual exclusivity.

A. The Application Pool

The applications considered for each filing window that are mutually exclusive will each have equal standing with no preferences or points to create “weighting” (i.e. favoring one application over any others). Weighting systems are unnecessary in meeting the objectives of the Commission if the short-form application filing process is simple, accessible, inexpensive and known to a broad base of applicants. The application pool will therefore adequately represent minority interests and satisfy ownership diversity opportunities that will be determined by random selection. Given time, such a process can produce minority ownership and diversity which reflects the population at large.

B. Random Selection by Lottery

The lottery is a random selection system whereby each applicant has an equal number of colored Ping-Pong balls that are put into a bin and one ball is chosen. The applicant selected is notified and given authorization to file its long-form application. The other applicants are notified of their loss and are given a nontransferable “Lottery Replacement Application Reference Number”. This reference number assigns FCC authorization for the unsuccessful mutually exclusive applicant to file a consolation short-form application, in addition to the maximum limit of five short-form applications, during the next filing window. The

consolation application must reference this lottery-loss number on the short-form in order to be accepted for filing.

C. Examples of the Selection Process Proposed by PCC

The following is a scenario of how the proposed filing and selection system would work. Applicant "A" files applications #1, #2, #3, #4, and #5 using an electronic short-form during a FCC determined filing window (e.g. the first five business days of the month). The Commission receives all filed applications and closes the filing window for that month. Each short form is reviewed and applications with technical conflicts are identified. For all applications that are not mutually exclusive with another application, the applicants are notified of authorization to file a long-form application. In this scenario, applications #2 and #4 of applicant A's five applications were not mutually exclusive with any other applications. Applicant A was therefore notified to submit a long-form application for each of these proposals within 30 days of FCC notification. Applications #1, #3, and #5 of applicant A's five applications, however, were mutually exclusive with other applications. Therefore, all applicants representing the mutually exclusive applications were given 30 days in which to reach an agreement to cure the mutual exclusivity.

Applicant "A" application #1 was mutually exclusive with two other applications. At the end of the 30 days, the respective applicants could not reach an agreement. Selection therefore was determined by a non-preferential lottery. Applicant "A" did not obtain spectrum use through the lottery selection and was therefore notified and given a nontransferable "Lottery Replacement Application Reference Number" for authorization to submit a consolation short-form application during the next filing window, but not later than 60 days following notification.

Applicant A's application #3 was mutually exclusive with applicant B. At the end of 30 days, applicants A and B reached an agreement whereby applicant A agreed to decrease its proposed ERP and applicant B agreed to alter its proposed antenna system to a directional antenna. The agreement cured the contour overlap and resolved the mutual exclusivity. The applicants submitted the signed agreement proposal to the FCC. Upon FCC approval, the applicants were notified to file their long-form applications reflecting the agreement.

Applicant A's application #5 was mutually exclusive with applicant C. At the end of 30 days, applicants A and C reached an agreement whereby applicant A agreed to relinquish the spectrum to applicant C in exchange for consideration not greater than its reasonable and prudent expenses.

In summary, Applicant A filed five short-form applications. Two had no competition and were authorized for long-form applications. A long-form application was authorized following FCC approval of an agreement between two mutually exclusive applicants and applicant A was allowed to pursue a third application. One application was dismissed via lottery, and one application was withdrawn as a result of a buy out. During the next filing window, Applicant A will be permitted to file a consolation application to replace the application it lost by lottery and this application will not be included in the five-application limit for this applicant.

IV. COMMENTS ON THE GOALS OF THE COMMISSION IN THIS PROCEEDING

By implementing the above filing window and lottery system, the proposed filing system and selection procedure advances important goals of the Commission.

A. Earlier Release of Channels

The Commission can select among competing applications much more quickly through the proposed lottery process than through a traditional comparative hearing or preference point system, which carries the burden, expense and delay of a cumbersome process and places applicants in combat. It is also likely that appeals flowing from any subjective point or preference award could encumber the process as much as traditional comparative hearings. Thus, PCC encourages the adoption of the unweighted “pure” random lottery selection method to select among competing applications to ensure service to the public sooner.

B. Less Costly Process

The proposed lottery system would be less expensive to administer than traditional hearings or point systems, thereby placing fewer burdens on the financial resources of applicants and the Commission.

C. Impact on Small Business

The application filing system proposed by PCC could have a significant positive impact on applicants which are small business entities as defined under the Small Business Act, 15 U.S.C. Section 632. The Commission estimated in its Further Notice that 96% of NCE applicants are categorized as small business entities. The simplified application filing system and pure lottery selection procedure (without preferences or disputes over proper assignment of weighting or points) encourages and facilitates participation by small business entities.

D. Efficient Handling of a Larger Number of Applications

Implementation of a simplified filing system that is easily accessed and known to the public is likely to produce a greater number of applications. Because applications in greater numbers will be more likely to represent the demographic makeup of the population than a

restrictive, costly process that is difficult for potential applicants to understand or participate in, a greater number of applications is viewed as one of the positive results sought. A "pure" lottery is easily administered and definitive. Therefore, the proposed lottery system will be a significant benefit to the Commission and to applicants in addressing the predicted increased numbers of applications and also in reducing the Commission's current backlog of almost 800 mutually exclusive NCE radio applications.

E. Fewer Appeals

The proposed lottery system would reduce the delays in service posed by post-decision appeals because unsuccessful applicants are less likely to appeal the results of random selection than of a more subjective process.

F. Continuing to Allow NCE Applications for Commercial Channels

NCE applicants may continue to file applications that request use of commercial channels. Applicants filing NCE applications proposing full service facilities may file for use of channels on the non-reserved or commercial band, disregarding the tables of allotment of 47 C.F.R. §73.202 as long as it can be demonstrated that 1.) There are no reserved NCE channels available for a particular market, and 2.) There exists no interference to pre-existing stations/applications according to contour overlap, rather than distance separation.

G. Resolving Mutual Exclusivity between NCE Applicant and Commercial Applicant

The Commission, in making a selection between NCE applicants and commercial applicants, will exempt NCE applicants from the competitive bidding process only if the NCE applicant can demonstrate by a "Channel Preclusion Study" that no NCE channels are available for the service proposed. In such cases, the NCE applicant should be granted and applications for commercial service dismissed. Mutually exclusive NCE applicants that are

proposing use of a commercial channel will be resolved by the lottery selection procedure described in section III above.

H. Holding Period Alternative

Once an NCE applicant prevails over commercial applicants in the manner described above at G, the channel shall be restricted to NCE use. Future assignments or sales of the station will be for NCE use only. Changing use of the channel to a commercial program format would require that the channel be opened to all applicants, including the licensee operating on the channel, and the competitive bidding process would result in a grant of the channel, for commercial use, to the successful bidder.

I. Continuing to Permit NCE Translators on Commercial Channels

Translator applications proposing commercial channels will be accepted during any filing window but will be dismissed (with a nontransferable "Application Replacement Reference Number") if the proposal conflicts with any full power NCE or commercial FM application other than a translator application. Commercial or NCE translator applications filed in the same window and with technical conflicts, but no competing full power NCE or commercial FM applications, are subject to the selection process of Section III above.

J. Quality of Public Service

With respect to the concerns raised by some commenters about the quality of public service that would be provided by applicants who had not been compared to other applicants in a more subjective manner, the Commission has correctly concluded that all qualified NCE applicants, whether chosen by a lottery or by a point system would have a better incentive to

offer quality service to the public in order to elicit the financial support of listeners and underwriters.⁴

K. Discourage Speculation in Applications Seeking Profit by the Lottery

To discourage the mass filing of NCE applications that are likely to become participants in a lottery, PCC favors the proposal to limit the number of applications that can be filed in any given filing window.⁵ In limiting the applications that can be filed, there is an automatic limit on the number of lotteries in which applicants can participate within a given time period.

V. MANDATES OF THE COMMUNICATIONS ACT CONCERNING LOTTERY USE AND RECENT U.S. SUPREME COURT DECISIONS ARE SATISFIED BY THE PCC PROPOSAL.

It is stated in the Commission's Further Notice that the Communications Act, in order to promote the diversification of ownership, requires the Commission to give a significant preference in any broadcast lottery to two types of applicants: 1.) Those who would increase the diversification of ownership; and 2.) Those controlled by a member or members of minority groups. This statutory mandate is consistent with the Commission's own historical commitment to encourage diversity of ownership and minority ownership in commercial broadcasting. However, the U.S. Supreme Court has held that policies granting racial preferences are subject to strict scrutiny. The minority ownership preference required by the statute will have to surmount this constitutional hurdle.

⁴ MM Docket No. 95-31, Paragraph 11.

⁵ Ibid., Paragraph 18.

PCC's proposal addresses the Communications Act mandate to give significant preference to minorities and encourages diversity by removing the barriers to participation in the application process. In apparent conflict with the Communications Act mandate, the U.S. Supreme Court strictly scrutinizes the granting of racial preferences, however, PCC's proposal will not require such scrutiny, as it grants no preferences to any applicant.

A. Satisfying the Communications Act

The Communications Act is satisfied because the streamlined application process produces an application pool that contains the sought after diversity of applicants and representative mix of minority applicants. If minorities or diverse interests wish to participate, entry into the process is facilitated because the walls and obstacles to participation have been removed. The process of filing a short form application for a broadcast station proposed by PCC is accomplished with less effort and expense than would be required for a driver's license in most states. This process recognizes and initially eliminates the expense of contracting with an engineer to produce the standard long-form application for a broadcast interest, which sometimes discourages an applicant from even filing. The suggested filing system requires virtually no up front costs to the applicant and the selection process also takes place quickly, efficiently and without cost to the applicant, even if the submitted application goes to a lottery selection. Upon notification of spectrum use, the applicant can then, faced with far less risk, make the investment to file its long-form application with the Commission. This process will most certainly produce an increase in the number of minority applicants and spawn a diversification of ownership.

B. Satisfying the Court

When the “No-Preference” pure lottery proposed by PCC for selecting among mutually exclusive applications is combined with the streamlined application filing procedure proposed, the Court is also satisfied because NO preferences are granted to any applicant (i.e. all are given the same opportunity to obtain a broadcast license). An application filing system open to all (i.e. low cost, short form, easily filed, widely promoted) can produce a diversity of ownership. However, there is no guarantee that it will do so. If all people are given the same opportunity to apply, anyone who is interested may do so. The Court will find no difficulty supporting a pure lottery with NO preferences.

VI. COMMENTS ON THE PROPOSED USE OF A POINT SYSTEM

PCC has earlier suggested that a preference award in a lottery is unnecessary to accomplish the mandate of the Communications Act to increase diversification of ownership and increase minority ownership. A point system to favor less significant factors in selecting among competing applications is also unnecessary if the Commission goal of discovering a “streamlined” and very efficient application process and selection procedure is an imperative. Following is a list of the problems created by or maintained by a point system.

When one steps back to view a point system from a distance there is not much to distinguish it from the traditional comparative process that the Commission, by this Proposed Rule Making, now seeks to eliminate. Abandonment of such procedures is of great value to NCE applicants which are, for the most part, small entities which, the Commission observed, “have limited financial resources and the effects of application delay and high costs are therefore amplified.”

PCC agrees with the Commission that “paper” hearings (in the form of a point system complete with challenges to point assignment and appeals) do not represent a desirable direction

because they are still resource-intensive, cumbersome and often require years to resolve. We agree “that procedures which are simpler than traditional hearings could achieve satisfactory results, while placing fewer burdens on noncommercial applicants and conserving Commission resources.” The Commission, accordingly, rejects the traditional comparative process and should reject the point process as a modified form of the traditional comparative process.

Following are brief comments that direct attention to some of the attributes which some have suggested should be the basis for the awarding of points.

A. The Cost to Applicants and the Commission is Increased by use of a Point System.

1. Evaluation time for point award verification and evaluation of eligibility for certain point claims increases costs to the Commission and applicants.
2. Interpretation of subjective terms used to define point award suitability increases applicant costs especially when challenging points awarded to a competitor.
3. Dispute management costs burden resources of the Commission and applicants.
4. Litigation expenses when engaged in the defense of points claimed or challenging the points claimed by a competitor.
5. Investigation into entitlement of competitor to claim points.

B. Point System Administration

A point system would be cumbersome and time consuming for FCC staff in authenticating point claims and monitoring challenges and appeals to point claims.

C. Conflicting Values

It has been suggested that points be awarded for values or characteristics that conflict.⁶

For example:

1. Would points be awarded for broadcast experience or should points be awarded for advancing ownership diversity implying that points for no broadcast experience should be valued? The same commenter recommended preference for BOTH attributes.
2. Should points be awarded for spectrum efficiency (best coverage, large population) or should the point system favor targeting “small” markets? What or who defines a small market? The same commenter recommended preference for BOTH values but they appear to conflict.
3. Will points for local ties, presence, residence and/or production be granted or should points for effectuating a “state broadcasting plan” (non-local) prevail?

D. Trivial Distinctions

Suggestions for point awards based on minor differences have been recommended by some commenters. Point awards for such characteristics are ripe fodder for litigation.

The suggestions include:

1. “Best” originally filed vs. amended. How does one define “best” and would it not be in the public interest to amend toward the goal of making each application the “best” that it can be?

⁶ See Appendix A of the Commission’s Further Notice.

2. Proposed program content meeting “unmet” need. How is the “unmet” need determined to be a need at all and who decides if the need is valid or representative?
3. “Outward” directed objectives vs. “inward” directed. Why are the inner or outer objectives of the applicant relevant to the selection process and how are such objectives known to reviewers? How are such qualities to be evaluated?
4. Longer initial operating hours. It does not necessarily follow that shorter initial operating hours is less desirable than longer hours. It is possible that an emerging broadcast service with prudent financial managers would opt for shorter hours while building an audience that can support an extension of service. A shorter program day may indicate sound management that will provide stable growth and reliable long-term service.
5. Presence of an existing audience. There may be a greater audience that will not be served by the applicant or the existing audience may or may not become listeners and supporters of a new service due perhaps to quality of delivery or competing broadcast or non-broadcast audio services.
6. Accredited institutions vs. unaccredited institutions. “Accredited” in one arena or discipline does not necessarily result in a qualification that deserves preferential treatment in other endeavors. What does accredited mean to broadcast credentials or an applicant’s potential to provide public service?

E. Litigation Potential of Subjective Criteria Point Assignment

As one considers some of the suggestions for point award, the potential for litigation looms large. Arbitrary point claims or awards will be challenged and result in litigation similar to traditional comparative hearings. Points assigned to the “better applicant” will be

challenged. Points awarded for “financial ability” probably fail to consider the creativity in financial structuring that is available these days. In the matter of “private funding vs. public funding”, proponents on both sides of the question will argue for points. If points are to be awarded for a “demonstration of ‘reasonable’ prospect of effectuating proposal”, who is to decide what prospect is reasonable enough to receive points, and how? Why does “applicant ‘integration’ into community” entitle an applicant to points instead of awarding points to an applicant that is not integrated? Does integration always produce an applicant deserving of points? Some have suggested that ascertainment of community needs return to the process. We wonder how such a requirement could be sustained in light of the Small Business Act. What is the “best service” to the community determined at the early application stage? Could award of points on that basis be the subject of challenge? We think it is likely. It has been proposed that an application which “proposes service to a ‘meaningful’ population” should receive points. Unless “meaningful” is a carefully defined technical term, is the definition subject to interpretation?

F. Irrelevant Criteria Receive Points

Except for the basic legal qualifications that an applicant must meet, consideration of the characteristics of the applicant and the nature of the service proposed have already been suspended by the Commission in other closely related services (Commercial FM and TV) where the auction process considers no such attributes. This proceeding has the greatest potential the industry has seen in decades to streamline processes and bring broadcast participation potential much closer to those who could and should become applicants. It is now time to eliminate points from NCE-FM also. Indeed it is long past the time to bring NCE service into the realm of more efficient use of Commission and applicant resources by

eliminating the petty practice of counting phony "attributes" and then engaging in point assignment disputes that put applicants at odds for years.

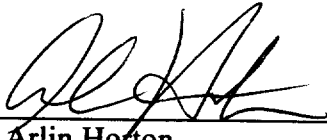
VI. CONCLUSION

The Commission has valued highly its goals to simplify and expedite the selection process, making it easier for applicants and for the Commission, while providing new and upgraded broadcast service to the public more quickly and maximizing participation by noncommercial applicants. The proposed filing window system and pure lottery selection procedure for mutually exclusive applications, as detailed herein, will achieve those goals. It will simplify and expedite the selection process. The proposed filing system will be less burdensome for the Commission, will give all applicants an equal opportunity and will provide ease in filing applications. Broadcast service will also be expedited to reach the public much more quickly than in the past.

By these comments, PCC seeks to open eyes to the possibilities for a sweeping reform that will make a real contribution to relief from the process in which both applicants and the Commission staff find increasingly difficult. Some may consider these proposals to be oversimplified and thus not be effective in adequately considering the complexity of broadcast technology and competing interests. This proposal speaks primarily to a system that removes barriers to entry into the broadcast arena. Too many applicants who would bring a fresh voice to our communities are denied access or immediately become embroiled in applicant selection litigation. We believe it is time to tear down some of those barriers to entry without losing engineering review, qualifications review or suspending other portions of the application process once an application stands alone and further investments can be justified to move that application to completion and construction. Some will also oppose the reform suggested here in an effort to

preserve a cumbersome and costly process because maintenance of paper walls and complex process are obstacles that keep outsiders out and insiders well paid.

We believe a simple process is necessary to allow the diversity and minority ownership that the present system cannot produce. We think the time is nigh for a radically changed system that consumes less legal resources, less time and less monetary resources. We believe the result will be greater, swifter service to the public while consuming fewer resources of the Commission and applicants alike. We therefore respectfully request careful consideration of the concepts and the specific proposals hereby submitted.



Dr. Arlin Horton
President / Founder
Pensacola Christian College, Inc.

January 27, 1999

Date

Mailing Address:

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Pensacola, FL 32523-9160

APPENDIX A

**EXAMPLE OF SHORT-FORM APPLICATION
FOR AN NCE FM BROADCAST STATION**

**Application for NonCommercial
FM Broadcast Station**
(Read Instructions on Back Before Completing)

Special Use				
FCC Use Only				

Estimated Average Burden
Per Response: ___ Minutes

1. Applicant

2. Mail Address (No P.O. Boxes)

3. City

4. State

5. ZIP Code

6. Applicant is:

- ☐ Government or public educational agency, board or institution
☐ Private nonprofit educational institution
☐ Other (briefly describe) _____

7. Reserved for FCC Use Only

8. Output channel and principle community to be served:

Channel No.	Frequency MHz	City	State
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9. Class of Station Applying for: (check only one box)

- ☐ A ☐ C3 ☐ C
☐ B1 ☐ C2 ☐ Translator
☐ B ☐ C1 ☐ Booster

10. Geographical coordinates: (to nearest second)

Latitude

Longitude

11. Effective Radiated
Power (ERP)

12. Height of transmitting antenna: (to nearest meter)

- (1) Ground elevation _____ meters
(2) Above ground level _____ meters

13. Engineering Comments:

14. Certification: I certify the following:

- (1) that the applicant is legally, technically, financially and otherwise qualified pursuant to 308(b) of the Communications Act and the Commission's Rules and is in compliance with the foreign ownership provisions contained in Section 310 of the Communications Act.
- (2) the applicant has filed this application and will use the proposed station in accordance with 47 C.F.R. Section 73.503 for the advancement of an educational program.
- (3) that sufficient net liquid assets are on hand or are available from committed sources to construct and operate the requested facilities for three months without revenue.
- (4) that the applicant, or any party to this application, is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (5) that the applicant has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site, and has obtained reasonable assurance that the site will be available for its use if this proposed station is granted a construction permit.
- (6) that the applicant is aware that, if upon Commission inspection, this application is shown to be defective, the application may be dismissed without further consideration.

I declare, under penalties of perjury, that I am an authorized representative of the above-named applicant specified above, that I have read the instructions and the foregoing certification and all matters and things stated in this application are true and correct.

Typed/Printed Name of Person Certifying

Title of Person Certifying

Date

Contact Person

Telephone No.

Signature of Person Certifying (Blue Ink ONLY)

E-mail address

Fax No.